IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY NINTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 8550 of 2004

Between:

1 Laxminivas Sarda S/o.Asharam Sarda aged about 55 years, Occ:Business, R/o.7-7-52/4A, Gomati Kuj,
Near Patel Gardens, Tandur, Dist: Ranga Reddy.
2 Sri Gopal Sarda S/o.Asharam Sarda, Aged about 39 years, Occ:Business, R/o.7-5-17, Marwadi Bazar,
Tandur, Dist: Rangareddy.
3 Madhusudan Sarda S/o.Laxminivas Sarda Aged about 28 years, Occ:Business,
R/o. 7-7-52/4A, Gomati Kunj, Near patel Garden, Tandur, Dist:Ranga Reddy.

..... PETITIONERS

AND

1 The Deputy Director of Mines & Geology,
Samrat Complex, Near Birla Mandir, Hyderabad.
2 The Assistant Director of Mines & Geology,
Tandur, District: Ranga Reddy.
3 The Mandal Revenue Officer, Office of the Mandal Revenue Office
at Basheerabad, District: Ranga Reddy.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue Writ or Direction, particularly writ in the nature of Mandamus declaring the inaction of the respondents No. 1 and 2 in not considering and withholding the application for grant of lease for excavation of Lime stone slab of the petitioner No.1` as per the application under file No.4067/M2/2002 dt. 3-8-2002 in respect of 45 Acres of land out of Sy.No.1112, non agricultural land, situated at Korwiched Village, under Mandal Basheerabad, for a period of 5 years, the application of the petitioner No.2 as per the application under file No,.5125/M2/2002, dt.17-8-2002 in

respect of 15 Acrees of land out of Sy.No.76, non agricultural land, situated at Nawaalga village, under Basheerabad Mandal for a period of 10 years and the application of the petitioner No.3 under file No.4085/M2/2002 dt.5.8.2002, in respect of 18A.22 Gts, out of Sy.No.113 & 1114, non agricultural land, situated at Korwiched Village, under Mandal Basheerabad for a period of 5 years, so also the action of the respondent no.3 in not issuing No-Objection Certtificate for grant of Quarry Lease to the petitioners in respect of the above shown lands as high handed, arbitrary, illegal and against the rules.

Counsel for the Petitioner: MR.BAJRANG SINGH THAKUR

Counsel for the Respondents: GP FOR REVENUE

The Court made the following :

–

–

–

–

–

–

–

–

–

–

–

–

–

–

–

–

–

–

–

–

–

THE HON'BLE SRI JUSTICE N.V. RAMANA

W.P. No. 8550 of 2004

Oral order:

Heard the learned counsel for the petitioners, the learned Government Pleader for Revenue for respondent No.3. The learned Government Pleader for Mines and Geology appearing on behalf of respondent Nos. 1 and 2 submits that he did not receive any instructions.

Assailing the action of respondent Nos. 1 and 2 in not considering the applications of the petitioners for grant of lease for excavation of lime stone slab, the

petitioners filed the present writ petition.

Petitioner Nos. 1 and 2 sought grant of lease in respect of an extent of Ac.45.00 and Ac.18.22 gts. of land respectively in Sy. No. 112, 113 and 114 of Korwiched village, Basheerabad Mandal, Ranga Reddy District, while petitioner No. 2 sought grant of lease in respect of an Ac.15.00 of land in Sy. No. 76, Nawalga village, Basheerabad Mandal, Ranga Reddy District. As no orders are passed, the present writ petition was filed.

Respondent No.3, namely Mandal Revenue Officer, Basheerabad Mandal, Ranga Reddy District, filed counter stating that in respect of the area for which the petitioners applied for grant of mining lease, three Labour Co-operative Societies also submitted their applications, and one of the societies, namely Bashirabad Mandal Wadderas Labour Co-operative Society filed writ petition in W.P. No. 2738 of 2003 before this Court, which was disposed of directing the respondents therein to give priority to the Labour Co-operative Societies while considering grant of leases. In view of the said orders in the writ petition, a decision to grant "No Objection Certificates" to Labour Co-operative Societies, was taken. Insofar as petitioner No. 3 is concerned, it was decided to grant "No Objection Certificate" in respect of the area applied by him, namely Ac.15.00 in Sy.No. 76 of Navalga village, and the proposal has been sent to the Assistant Director of Mines and Geology, Tandur, for necessary action.

In view of the above stand taken by respondent No.3, in his counter, the learned counsel for the petitioners submits that the respondent Nos. 1 and 2 be directed to consider and dispose of the applications submitted by the petitioners to enable them to take appropriate action/steps in pursuance of the order that may be passed by them.

In the circumstances, the writ petition is disposed of directing respondent Nos. 1 and 2 to consider and dispose of the applications submitted by the petitioner for grant of lease of excavation of lime stone slab, and pass appropriate orders, within a period of six weeks from the date of receipt of a copy of this order. No costs.

N.V. RAMANA, J.

Date: 29.11.2004.

Ksr/Mdaa

COPY TO:

1 The Deputy Director of Mines & Geology,
Samrat Complex, Near Birla Mandir, Hyderabad.
2 The Assistant Director of Mines & Geology,
Tandur, District: Ranga Reddy.
3 The Mandal Revenue Officer, Office of the Mandal Revenue Office
at Basheerabad, District: Ranga Reddy.

4. Two c.Cs to G.P.for Revenue, High Court of A.P., Hyderabad.

5. Two C.D copies.